

**DURHAM, NORTH CAROLINA
MONDAY, NOVEMBER 18, 2013
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Don Moffitt and Steve Schewel. Absent: Council Member Howard Clement, III.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the pledge of allegiance led by Faith Jones.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk. There were no priority items.

During the National League of Cities Conference in Seattle, Washington--Mayor Pro Tempore Cole-McFadden announced that the City was ranked #3 in receiving the Digital Cities Survey Award.

Mayor Bell explained that the Consent Agenda is approved with a single motion and items pulled from that agenda by any citizen or council member will be discussed at the end of the agenda. Consent Agenda Item #31 [Durham Housing Authority Board of Commissioners – Appointment] was pulled by a citizen.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to approve the Consent Agenda as amended was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to approve City Council minutes for the October 10, 2013 City Council Work Session and October 21, 2013 City Council Meeting was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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**SUBJECT: BOARDS, COMMITTEES AND COMMISSIONS ATTENDANCE
REPORTS FOR THE PERIOD JULY 1, 2012 THROUGH JUNE 30, 2013**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to receive the attendance reports from Boards, Committees and Commissions was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENT

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to appoint Jeffrey Scott Clark to the Human Relations Commission representing a Minority Male with the term expiring on June 30, 2015 was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

**SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES – BRIGHTWOOD
TRAILS – PHASES 2A, 3 - CARILLON FOREST – PHASES 2B, 3A, 3B,
3C**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to accept the streets and associated infrastructure in the memo for maintenance by the City of Durham was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Brightwood Trails – Phases 2A, 3

- 1) Poplar Street – from the beginning of construction @ STA 9+30 east past Nellora Lane to the end of construction @ STA 18+08 (878') and
- 2) Nellora Lane – from the centerline of Poplar Street northeast to the end of construction @ STA 2+55 (155') and
- 3) Ember Drive – from the beginning of construction @ STA 11+48.76 east then south to the end of construction @ STA 19+50.68 (802') and
- 4) Gilman Street – from the beginning of construction @ STA 9+60 south to the end of construction @ STA 6+10 (350') and
- 5) Crawford Court – from the centerline of Gilman Street east through the cul-de-sac (299').

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Carillon Forest – Phases 2B, 3A, 3B, 3C

- 1) Corby Lane – from the centerline of Stonegate Drive south to the centerline of Albritton Drive (376') and
- 2) Albritton Drive – from the centerline of Harkness Circle north then east and around the circle to the centerline of Albritton Drive (1,678') and
- 3) Kilgo Drive – from the east curb line of Randolph Road east to the existing construction @ STA 17+60 (730') and
- 4) Alman Drive – from the centerline of Kilgo Drive south to the existing construction @ STA 14+50 (1,213') and
- 5) Katie Lane – from the centerline of Alman Drive east to the existing construction @ STA 12+50 (250').

SUBJECT: 2014 CITY COUNCIL MEETING SCHEDULE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to approve the 2014 City Council Meeting Schedule; and

To adopt an Ordinance Cancelling the July 10, 2014 City Council Work Session and the July 21, 2014 City Council Meeting was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14535

SUBJECT: LEASE OF NON-RESIDENTIAL PROPERTY AND CONTRACT FOR SERVICE WITH REBOUND, ALTERNATIVES FOR YOUTH (NON-PROFIT ORGANIZATION) – DURHAM TEEN CENTER

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to execute the Lease for Non-Residential Property and Contract for Service with Rebound, Alternatives for Youth (NPO) at the Durham Teen Center was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: MORTGAGE LOAN SERVICING CONTRACT - AMERINATIONAL COMMUNITY SERVICES, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the expenditure of up to \$303,855.00 in BOND Funds and to accept the proposal provided by AmeriNational Community Services, Inc. for servicing of all City of Durham's mortgage loans; and

To authorize the City Manager to execute an Agreement for a three-year period beginning December 1, 2013 – November 30, 2016 with AmeriNational Community Services, Inc. in the amount not to exceed \$303,855.00 was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: CITY OF DURHAM EMPLOYMENT AND TRAINING 2012-2014 GRANT PROJECT ORDINANCE #14510

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to accept the Employment and Training Grant by executing the grant documents; and

To adopt the City of Durham Employment and Training 2012-2014 Grant Project Ordinance in the amount of \$200,000.00 was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14536

SUBJECT: AMENDMENT TO THE CITY OF DURHAM EMPLOYMENT AND TRAINING 2011-2013 GRANT PROJECT ORDINANCE SUPERSEDING GRANT PROJECT ORDINANCE #14303

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to accept the State of North Carolina Employment and Training Grant by executing the grant documents; and

To adopt the City of Durham North Carolina and the State of North Carolina Employment and Training Grant Project Ordinance FY 2011-2013 in the amount of \$1,925,067.84 was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14537

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**SUBJECT: CHURCH STREET PARKING DECK REPAIR CONTRACT WITH
TENDON SYSTEMS, LLC**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to execute a construction contract for the Church Street Parking Deck Repair with Tendon Systems, LLC in the amount of \$895,906.00 that includes the base bid and recommended alternate;

To establish a project contingency in the amount of \$89,500.00; and

To authorize the City Manager to negotiate and execute change orders on the Church Street Parking Deck Repair construction contract, provided the total project cost does not exceed the amount budgeted for construction phase plus the project contingency was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

**SUBJECT: LICENSE AGREEMENT WITH DURHAM COUNTY (HUMAN
SERVICES FACILITY)**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to enter into a license agreement with Durham County for installation of irrigation system and landscaping within the City maintained public right-of-way was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

**SUBJECT: AMENDMENT NO. 3 TO THE SCRAP TIRE DISPOSAL/RECYCLING
CONTRACT - CENTRAL CAROLINA HOLDING, LLC**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to execute Amendment #3 to the Scrap Tire Disposal/Recycling Service Contract between the City of Durham and Central Carolina Holding, LLC for two additional years at a cost of \$478,000.00 was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

**SUBJECT: AMENDMENTS TO THE PASSENGER VEHICLE FOR HIRE
ORDINANCE**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to adopt an Ordinance Amending Chapter 50, Article III of the Durham City Code for Passenger Vehicles for Hire was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor

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Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel.
Noes: None. Absent: Council Member Clement.

Ordinance #14538

SUBJECT: CITY OF DURHAM LOCAL PRIORITY LIST FOR TRANSPORTATION PROJECTS

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to approve the list of transportation projects for submission by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization to the North Carolina Department of Transportation's Prioritization 3.0 process was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: CONTRACT FR-2, MIST LAKE WATER MANAGEMENT FACILITY FOR SITE REPAIRS - LANIER CONSTRUCTION COMPANY, INC.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to execute a contract with Lanier Construction Company, Inc. for Contract FR-2, Mist Lake Water Management Facility for Site Repairs for \$229,672.50;

To establish a contingency fund for the contract in the amount of \$20,327.50; and

To authorize the City Manager to negotiate and execute change orders for the contract provided that the cost of all change orders does not exceed \$20,327.50 and the total project cost does not exceed \$250,000.00 was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: ORDINANCE AMENDMENT TO SECTION 70-51, 57 AND 61 OF THE CITY CODE AND PART 15-102A AND B OF THE CITY'S FEE SCHEDULE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to adopt an Ordinance Amending Section 70 of the City's Ordinance and Part 15-102A and B of the City's fee schedule for water and sewer fees was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14539

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**SUBJECT: ORDINANCE AMENDMENT TO PROVISIONS CONCERNING
UNAUTHORIZED WATER AND SEWER USE AND TAMPERING OR
DAMAGE TO WATER AND SEWER INFRASTRUCTURE**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to adopt an Ordinance Amending Sections 70-1 and 70-26 and deleting Section 70-3 of the City's Ordinance with an effective date of 12/1/13 for unauthorized water and sewer use and tampering or damage to water and sewer infrastructure was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14540

**SUBJECT: CONTRACT AMENDMENT WITH CARTER GOBLE ASSOCIATES,
LLC PROFESSIONAL SERVICES FOR ADDITIONAL CONSULTING
SERVICES FOR POLICE**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to execute a contract amendment with Carter Goble Associates, LLC in the amount of \$280,000.00 so that the total contract amount will not exceed \$429,977.00 for the Durham Police Department Master Facility Program was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

The City Council disposed of the following agenda items at the November 7, 2013 Work Session:

6. Homeless Services Advisory Committee (HSAC) Suggested Modifications to Roadside Solicitation Ordinance #14375
(This item was referred back to the Administration – City Manager's Office.)

To receive the Suggested Modifications to Roadside Solicitation Ordinance #14375 from the Homeless Services Advisory Committee.

19. Duke Energy Residential Neighborhood Program
(A presentation was received at the 11-07-13 Work Session)

To receive a presentation on Duke Energy's Residential Neighborhood Program.

20. Holloway Street Local Historic District Expansion
(This item was referred back to the Administration – City-County Planning Dept.)

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To receive a presentation on the Holloway Street Local Historic District Expansion.

21. Status Report on the NC 54/I-40 Corridor Study

(A report was received at the 11-07-13 Work Session)

To receive a report from the Chair of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) Technical Coordinating Committee (TCC) on the NC54/I-40 Corridor Study.

22. Downtown Loop Waterline Replacement and Water Meter Upgrades

(A presentation was received at the 11-07-13 Work Session)

To receive a presentation on the Downtown Loop Waterline Replacement and Water Meter Upgrades.

29. Dorothy Croom

(Comments were received at the 11-07-13 Work Session)

To receive comments from Dorothy Croom regarding case # D1200005 of cell phone towers at the Development Review Board.

30. John Tarantino

(Comments were received at the 11-07-13 Work Session)

To receive comments from John Tarantino regarding a Veterans' Day tribute.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: MINI ASSESSMENT ROLL FOR WATER MAIN ON ARDMORE DRIVE

To conduct a public hearing to receive comments on Confirmation of the Mini Assessment Roll for Water Main on Ardmore Drive from Cook Road to the West Property Line of PIN 0820-18-41-3473; and

To reconsider the assessment against the property of Carolyn G. Jones identified as 1012 Ardmore Drive, PIN 0820-18-40-3866 and to find that the property has benefited from the water main improvement and to confirm the assessment in the amount of \$1,750.00 in accordance with the Financial Hardship Assessment Policy.

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Public Works Director Marvin Williams briefed Council on the staff report for the mini assessment roll for water main on Ardmore Drive. He reported the assessment was originally confirmed at the September 3, 2013 Council Meeting and the property owner at 1012 Ardmore Drive objected to her assessment based on a hardship. After review, he stated that staff is recommending that Council reconsider the water main assessment at 1012 Ardmore Drive, confirm the assessment in the original amount with a 20-year pay period at one percent annum which is in accordance with the Financial Hardship Assessment Policy.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to reconsider the assessment against the property of Carolyn G. Jones identified as 1012 Ardmore Drive, PIN 0820-18-40-3866 and to find that the property has benefited from the water main improvement and to confirm the assessment in the amount of \$1,750.00 in accordance with the Financial Hardship Assessment Policy was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: CONFIRMATION OF ASSESSMENT ROLLS FOR WATER MAIN AND SEWER MAIN ON WEDGEWOOD LANE

To conduct a public hearing to receive comments on the Confirmation of Assessment Rolls for Water Main and Sewer Main on Wedgewood Lane; and

To adopt a resolution confirming each of the following assessment rolls:

Water Main on Wedgewood Lane from the West Property Line of PIN #0728-02-89-6224 to Carpenter-Fletcher Road; and

Sewer Main on Wedgewood Lane from the West Property Line of PIN #0728-02-89-6224 to Carpenter-Fletcher Road.

Public Works Director Marvin Williams briefed Council on the staff report for this item.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Council Member Moffitt seconded by Mayor Pro Tempore Cole-McFadden to adopt a resolution confirming each of the following assessment rolls was approved at 7:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Water Main on Wedgewood Lane from the West Property Line of PIN #0728-02-89-6224 to Carpenter-Fletcher Road; and

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Sewer Main on Wedgewood Lane from the West Property Line of PIN #0728-02-89-6224 to Carpenter-Fletcher Road.

SUBJECT: CONSOLIDATED ANNEXATION ITEM - HOPE CROSSING AT 2800 INDEPENDENCE AVENUE

To conduct a public hearing to receive comments on the Consolidated Annexation, Hope Crossing at 2800 Independence Avenue;

To adopt an Ordinance Annexing a portion of 2800 Independence Avenue into the City of Durham effective December 31, 2013;

To adopt an Ordinance Amending the Unified Development Ordinance to establish Residential Suburban-20 (RS-20) zoning for the property; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Recommendations: The staff recommends that the City Council approve the Voluntary Annexation Petition and Initial Zoning.

Patrick Young, with the City/County Planning Department, briefed Council on the consolidated annexation item for 2800 Independence Avenue. He stated the applicant, Stewart Engineering on behalf of Habitat for Humanity, is requesting to incorporate this property into the proposed Hope Crossing II development which includes 29 plus acres of land already within the City limits. He noted the comprehensive plan amendment and zoning map change for the Hope Crossing II project will follow this item on the agenda. He reported that this item would annex this property into the City and apply an initial zoning of Residential Suburban-20 [RS-20] for the subject property. He stated staff is recommending approval of this request and certified that all Planning Department public hearing items on the agenda tonight have been properly advertised in accordance with law and affidavits are on file with the department.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt an Ordinance Annexing a portion of 2800 Independence Avenue into the City of Durham effective December 31, 2013;

To adopt an Ordinance Amending the Unified Development Ordinance to establish Residential Suburban-20 (RS-20) zoning for the property; and

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To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #s 14541 and 14542

**SUBJECT: COMPREHENSIVE PLAN AMENDMENT - HOPE CROSSING II
(A1300004)**

To conduct a public hearing to receive comments on the Hope Crossing II (A1300004) Plan Amendment; and

To adopt a resolution to change the Future Land Use from Industrial and Low Density Residential (4 DU/Ac. or less) to Low-Medium Density Residential (4-8 DU/Acre).

Recommendations: The staff recommends approval based on the justification and proposed land use designation meeting the four criteria for plan amendments.

Planning Commission recommended approval, based on information provided in the staff report, the applicant's justification, information heard at the public hearing and meeting the criteria for plan amendments, 11-0 on September 10, 2013.

Patrick Young, with the City/County Planning Department, briefed Council on the plan amendment for Hope Crossing II. He stated the applicant, Stewart Engineering, is requesting an amendment to the Future Land Use Map [FLUM] from industrial and low-density residential to low-medium density residential. He said this change would allow for the proposed development of a 29.9 acre site near the intersection of Junction and Chorley Roads. He stated staff is recommending approval of this request and the Planning Commission recommended approval at its September 10, 2013 meeting.

Council Member Schewel asked questions that were answered by staff regarding the city-owned property and location of additional fields.

Mayor Bell opened the public hearing.

George Stanziale, representing the applicant, stated he was present to answer questions. He responded to questions raised by Mr. Schewel referencing the extension of Midland Terrance that runs along the east side of the property as well as between this property and park property.

Mayor Bell closed the public hearing.

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to receive comments on the Hope Crossing II (A1300004) Plan Amendment; and

To adopt a resolution to change the Future Land Use from Industrial and Low Density Residential (4 DU/Ac. or less) to Low-Medium Density Residential (4-8 DU/Acre) was approved at 7:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Resolution #9878

SUBJECT: ZONING MAP CHANGE - HOPE CROSSING II (Z1300011)

To conduct a public hearing to receive comments on the zoning map change for Hope Crossing II (Z1300011);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300011 out of Industrial Light (IL), Residential Suburban – Multifamily with a development plan (RS-M(D)), Residential Suburban – 8 with a development plan (RS-8(D)), Residential Suburban – 8 (RS-8), Residential Suburban – 10 with a development plan (RS-10(D)), and Residential Suburban – 20 (RS-20) and placing same in and establishing same as Planned Development Residential 6.000 (PDR 6.000); and

To adopt as support for its action on the proposed zoning map change the determinations that, should the plan amendment be approved, the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Determination: Staff determines that, should the plan amendment be approved, this request is consistent with the Comprehensive Plan and other adopted policies and ordinances.

Planning Commission Recommendation and Vote: Approval, 11 – 0 on September 10, 2013. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. However, should the plan amendment be approved, the request would be consistent with the Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

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[The site is located at 299 Chorley Road, south of Junction Road and north of Independence Avenue, PINs 0841-07-59-5174, -58-8318, -57-5841.SPL, -69-0008]

Patrick Young, of the City/County Planning Department, briefed Council on the zoning map change for Hope Crossing II which is the companion zoning case to the comprehensive plan amendment just approved by Council. He reported that the request would change the current zoning designations to the requested district of Planned Development Residential 6.0000 and a proposed residential subdivision with a maximum of 128 units. He stated that there is a development plan associated with this request to include commitments regarding dedication of right-of-way and roadway improvements for adjacent roadways, including a left-turn lane on Junction Road. Also, there are commitments for general location of site access points – four external and two internal as well as tree preservation areas. He stated that staff has determined that this request is consistent with the Comprehensive Plan and other adopted policies and ordinances and the Planning Commission recommended approval at its September 10, 2013 meeting.

Council Member Schewel asked staff when new streets are constructed does the standard require enough width for bike lanes and are there plans for connectivity with the park.

Bill Judge, of the Transportation Department, replied that the internal neighborhood streets are designed with complete streets concept so that there would not be exclusive bicycle lanes, but would share traffic designs for lower speeds. He noted when the future thoroughfare of Midland Terrace is designed and constructed there would be bicycle lanes. Also, he referenced that there would be connectivity with the development, Midland Terrace as well as the park property after Midland Terrace is constructed.

Mayor Bell opened the public hearing.

George Stanziale, representing the applicant, stated he was present to answer questions.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to receive comments on the zoning map change for Hope Crossing II (Z1300011);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300011 out of Industrial Light (IL), Residential Suburban – Multifamily with a development plan (RS-M(D)), Residential Suburban – 8 with a development plan (RS-8(D)), Residential Suburban – 8 (RS-8), Residential Suburban – 10 with a development plan (RS-10(D)), and Residential Suburban – 20 (RS-20) and placing same in and establishing same as Planned Development Residential 6.000 (PDR 6.000); and

To adopt as support for its action on the proposed zoning map change the determinations that, should the plan amendment be approved, the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:18 p.m. by the following vote:

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Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14543

SUBJECT: Consolidated Annexation Item – Mineral Springs Road Residential

To conduct a public hearing to receive comments on the Consolidated Annexation, Mineral Springs Road Residential;

To authorize the City Manager to enter into a water and sewer extension agreement with OMF, LLC;

To adopt an Ordinance Annexing the Mineral Springs Road Residential development into the City of Durham effective December 31, 2013;

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300001 out of Residential Rural (RR), Residential Suburban-20 (RS-20) and Planned Development Residential 4.000 (PDR 4.000) and placing same in and establishing same as PDR 4.140; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Recommendations: The staff recommends that the City Council approve the Utility Extension Agreement, Voluntary Annexation Petition, and Zoning Map Change.

Patrick Young, of the City/County Planning Department, briefed Council on the staff report. He stated this item is the consolidated annexation associated with the proposed Mineral Springs Road Residential Development. If approved, this request would allow up to 33 single-family residences to be developed on approximately 9.09 acres of property currently surrounded by residential developments already within the City limits. He said this item would include 1) the utility extension agreement that would allow the applicant to serve the development with City water and sewer service; 2) a voluntary petition for contiguous annexation submitted by the property owners for the site. He reported that the Budget and Management Services Department performed a fiscal impact analysis and that analysis projects that estimated revenues will exceed estimated expenditures follow annexation; and 3) apply an initial zoning of Planned Development Residential 4.140 for the subject property which is consistent with the

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Comprehensive Plan. He noted staff is recommending approval and the Planning Commission recommended approval of the initial zoning at its September 10, 2013 meeting.

Mayor Bell opened the public hearing.

Jarrold Edens, representing the applicant, spoke in support of what is currently outlined in the staff report --9 acres for approximately 33 lots. He noted the applicant's development would be similar to surrounding development currently existing on three sides.

Council Member Catotti asked staff to address concerns raised by the Bicycle and Pedestrian Advisory Commission that were not outlined as committed elements—text commitments to create pedestrian stub-outs, bike pedestrian connections and bike frontage lanes along Mineral Springs Road.

Patrick Young, of the City/County Planning Department, stated staff evaluated request from the Bicycle and Pedestrian Advisory Commission and none of these requests were ordinance based which was passed on to the applicant and none of the proffers were made.

Jarrold Edens, representing the applicant, stated they made a commitment to create a pedestrian connection along Mineral Springs Road.

For clarification, Patrick Young, of the City/County Planning stated there is a Committed Element #3--to dedicate the additional right-of-way for the future addition of bike lanes and a text commitment that would allow for connectivity on Mineral Springs Road with pedestrian connection.

Council Member Schewel made comments regarding the figures for accumulative net gain and financial projections. Also, he made comments regarding the three students that would be generated as a result of this development and asked the applicant are they willing to make a donation of \$500 per student.

Jarrold Edens, representing the applicant, stated he could not commit at this time since his client was not present.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to receive comments on the Consolidated Annexation, Mineral Springs Road Residential;

To authorize the City Manager to enter into a water and sewer extension agreement with OMF, LLC;

To adopt an Ordinance Annexing the Mineral Springs Road Residential development into the City of Durham effective December 31, 2013;

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To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1300001 out of Residential Rural (RR), Residential Suburban-20 (RS-20) and Planned Development Residential 4.000 (PDR 4.000) and placing same in and establishing same as PDR 4.140; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #s 14544 and 14545

Mayor Bell recognized Boy Scout Troop 440 from Watts Street Baptist Church in attendance at the meeting.

[ITEM PULLED FROM CONSENT AGENDA]

SUBJECT: Durham Housing Authority Board of Commissioners – Appointment

Steve Hopkins made comments in support of Lanea Foster for appointment to the Durham Housing Authority Board of Commissioners and expressed concern regarding the process.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to appoint Larry Yon, II to the Durham Housing Authority Board of Commissioners with the term to expire on September 28, 2018 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

There being no further business to come before the City Council, the meeting was adjourned at 7:30 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk

November 18, 2013